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**County of Loudoun**  
**Department of Planning**

**MEMORANDUM**

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**DATE:** January 5, 2011

**TO:** Planning Commission

**FROM:** Joe Gorney, AICP, Project Manager *YGA*

**SUBJECT:** **January 12, 2011 Planning Commission Work Session**  
**ZMAP 2008-0001 and SPEX 2008-0001, Schmitz Industrial Park**

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**BACKGROUND**

The Planning Commission held a public hearing on this application on December 15, 2010. One member of the public addressed the Commission, an adjacent resident who expressed concerns regarding compatibility with the adjacent residences. Compatibility concerns included traffic, trash, dust, air pollution, noise pollution, and loitering. He subsequently sent an email message to the project manager regarding his concerns. The email message was forwarded to the members of the Planning Commission.

Planning Commission topics of discussion at the Public Hearing included the type of uses allowed under Motor Vehicle Outdoor Storage, estimates of the amount of outdoor storage allowed under both PD-IP by-right uses and the proposed Special Exception uses, provisions regarding the phasing and construction of Glenn Drive and links to occupancy, community outreach, simplicity and clarity in the Glenn Drive proffers, the placement of structures adjacent to Cedar Green Road, and verification of the construction cost of Glenn Drive if bonded in lieu of construction.

The Planning Commission provided guidance to the applicant and concluded by voting 9-0 to forward the application to Work Session for further review.

Revised plans were submitted by the applicant on December 15, 2010 and revised proffers were submitted on January 4, 2011. Changes made to the application include the following:

1. Clarification of road and sidewalk/trail construction along Glenn Drive, Cedar Green Road, and Shaw Road;
2. A stipulation that no direct lot access would be allowed onto Cedar Green Road;
3. The inclusion of outdoor eating spaces and picnic tables within each landbay;
4. The inclusion of bicycle racks for each landbay;
5. Clarification of the monetary open space contribution; and

6. Consolidation of the plan set from 7 sheets to 5 sheets.

### ISSUE STATUS

The following issues were identified by staff as outstanding at the Public Hearing. The Planning Commission discussion of each issue, as applicable, is noted as well as the current status.

**Issue 1:**                    **Land Use. County policies do not anticipate outdoor storage or manufacturing activities in areas proposed as Light Industrial. Motor vehicle rental (outdoor vehicle storage only), long-term parking lot/valet service uses, and accessory outdoor storage up to 25 percent of the gross floor area of the principal use are not supported by County policies due to their outdoor storage requirements.**

**Discussion:**            The Planning Commission recognized the nature of the proposed uses as interim uses, which may allow the applicant flexibility in marketing the property in the short term and promoting a quicker transition to long-term uses.

**Current Status:**       Staff has included conditions of approval to mitigate the impacts of the proposed special exceptions for motor vehicle rental (outdoor vehicle storage only) and long-term parking lot/valet service uses. Staff continues to recommend denial of the Special Exception for outdoor accessory storage up to 25 percent of the gross floor area of the principal use.

**Issue 2:**                    **Open Space. At the time of the Public Hearing, more specificity was needed regarding how the open space needs of the development would be fulfilled.**

**Discussion:**            Staff and the applicant have subsequently discussed the type of open space that would be appropriate for the development.

**Current Status:**       To help fulfill Open Space needs in the Sterling Suburban Community, the applicant has updated the draft proffers to include a one-time contribution of \$600 per acre for open space purchases in the Sterling Planning Subarea. The applicant has also proposed outdoor eating spaces and picnic tables to fulfill the internal open space needs of employees. Open space needs will also be met through a 15-foot Tree Save Easement around portions of the property's perimeter, landscaping between land bays, and landscaping along Glenn Drive.

**Issue 3:                    Bike Racks.    At the time of the Public Hearing, bike rack provisions had not yet been finalized.**

Discussion:                Staff previously recommended that the applicant commit to bike racks for each landbay and internal pedestrian pathways to all landbays and principal uses.

Current Status:          The applicant has committed to three bicycle racks, which will accommodate 4 bicycles each, for the property.

**Issue 4:                    Fire & Rescue Contribution.    A fire & rescue contribution is proposed with a base year of 2011.**

Discussion:                The Board policy supports fire and rescue contributions of \$0.05 per square foot of proposed gross building area with an escalation adjustment and a base year of 1988. The applicant proposes a one-time contribution of \$0.10 per square foot of each commercial/non-residential structure and a base year of 2011 for use by fire and rescue companies primarily serving the property at the issuance of each applicable zoning permit.

Current Status:          The use of 2011 as a base year in conjunction with an increased contribution per square-foot is comparable to the use of 1988 as a base year with the lesser contribution per square-foot.

**Issue 5:                    Proffer and Application Materials Updates.**

Discussion:                The Planning Commission recommended simplicity and clarity in the proffers, particularly in regards to an extension of Glenn Drive to Cedar Green Road (see Proffer #IV.A.1). The applicant agreed to make the recommended changes to the application materials. Staff also recommended a consolidation of plan sheets.

Current Status:          In response to Planning Commission and staff comments, the applicant has revised the draft proffers and application materials.

**Issue 6:                    Stormwater Management.**

Discussion:                Largely due to the anticipated impervious cover associated with the proposed uses and constrained downstream stormwater infrastructure, staff recommended that the applicant incorporate Best Management Practices (BMPs) that treat the first inch of runoff, as a minimum. The applicant responded that they will provide the level of stormwater management required by the

Facilities Standards Manual. The application does not specify LID techniques.

Current Status: Staff recommends best management practices for all storm runoff leaving impervious surfaces and the design of all BMPs to treat the first inch of storm runoff, as a minimum.

## **PLANNING COMMISSION QUESTIONS**

The following questions were raised by the Commission at the Public Hearing. A staff response follows each.

- 1. Motor Vehicle Outdoor Storage. Could the lot be used as an impoundment lot for a towing company? Would it have to be paved? If it were used as an impoundment lot, could it be conditioned to have an on-site office with an employee present and adequate lighting and fencing?**

Motor Vehicle Storage and Impoundment Yards are specifically defined by the Revised 1993 Zoning Ordinance and are not allowed in the PD-IP zoning district, whether as a by-right use or by special exception.

- 2. Outdoor Storage. Are there scenarios and estimates of the amount of outdoor storage for all three landbays under both the proposed PD-IP by-right uses and the proposed SPEX uses?**

Any Outdoor Storage developed as part of a by-right use or a special exception use must be accessory to the principal use and would be limited to 10 percent of the gross floor area of the principal use. The proposed special exception would increase the allowed accessory outdoor storage to 25 percent. Most of the by-right uses and the requested special exception uses in PD-IP would have little if any need for accessory outdoor storage. Outdoor accessory storage would only be allowed for those uses that customarily and incidentally have such storage. Some by-right uses in the PD-IP district that may have requirements for accessory outdoor storage include Distribution Facilities, Manufacturing Facilities, Warehousing Facilities, Auction Houses, Postal Service Facilities, Light Motor Vehicle Service and Repair, and Contractor Service Establishments. To help discern the extent of potential accessory outdoor storage in the project area, staff will prepare estimates and scenarios of possible uses and bring these materials to the January 12<sup>th</sup> Planning Commission Work Session.

- 3. Phasing and Construction of Glenn Drive. Must Glenn Drive be extended north to Cedar Green Road before Landbays 2 or 3 are occupied? Will the applicant build the western 2 lanes of Glenn Drive to Cedar Green Road and tie the use of the property to the construction of these lanes?**

The applicant will extend Glenn Drive to Cedar Green Road before landbays with access to Glenn Drive are occupied. The applicant has updated the proffers, which now specify that the western half of Glenn Drive extended, from its current terminus to an intersection with Cedar Green Road, will be constructed at such time as a site plan or record plat is approved by the County (see Proffer # IV.A.1).

**4. Has a community meeting been held?**

Due to the recent holidays, a community meeting has not yet been held. The applicant intends to hold a community meeting in the near future with the surrounding residents.

**5. Why is the structure in Landbay 2 placed adjacent to Cedar Green Road if there is no access to Cedar Green? Would it be more appropriate to place the building along Glenn Drive?**

At staff's request, the applicant placed the building, along with a BMP facility and enhanced landscaping, adjacent to Cedar Green Road to help enhance compatibility with the surrounding residences, primarily by blocking views of Landbay 2 parking. The applicant is open to the placement of buildings along Glenn Drive and will explore that option to determine the best building placement from a design perspective.

**6. Who will verify the cost of Glenn Drive, if contributions are provided in lieu of construction?**

For roadway projects in Loudoun County, a consulting engineer will complete the County's performance bond cost estimate form, available on the County website, and submit it to an Engineering Project Manager in the Department of Building & Development. The Project Manager will review the plans showing the road and compare it to the cost estimate form. If the Project Manager agrees with the estimate, then it is accepted; if not, the Project Manager will coordinate with the consultant and correct it.

The applicant has also modified the proffers and deleted the phrase "or bond for construction" from the proffers for the construction the western half of Glenn Drive extended. The proffers now require the construction of that portion of Glenn Drive (see Proffer #IV.A.1).

**STAFF RECOMMENDATION**

Staff recommends approval of the rezoning request and the special exception request for 1-story office uses. While motor vehicle rental (outdoor vehicle storage only) and long-term parking lot/valet service uses are not anticipated in Business Communities, staff recognizes that similar uses occur in the development area. Allowing such uses would afford the applicant flexibility in marketing the properties as the area transitions to a Business Community. Staff also recognizes that similar uses occur in proximity to the subject properties. Mitigation measures have been developed as part of the proposal to help ensure compatibility with the surrounding uses. Staff recommends approval of these uses subject to the proposed proffer statement and the draft conditions of approval.

Staff recommends denial of the Special Exception for outdoor accessory storage up to 25 percent of the gross floor area of the principal use. An increase in accessory outdoor storage to 25 percent of the gross floor area of the principal use is problematic

as no principal uses are defined and the impacts cannot, therefore, be adequately mitigated.

**SUGGESTED MOTIONS**

1. I move that the Planning Commission forward ZMAP 2008-0001 & SPEX 2008-0001, Schmitz Industrial Park, to a subsequent Planning Commission Work Session for further discussion.

OR,

- 2.a. I move that the Planning Commission forward ZMAP 2008-0001, Schmitz Industrial Park, to the Board of Supervisors with a recommendation of approval subject to the Proffer Statement dated January 4, 2011 and based on the attached Findings.

AND,

- 2.b. I move that the Planning Commission forward SPEX 2008-0001, Schmitz Industrial Park, for office, administrative, business, or professional uses (1 story); motor vehicle rental (outdoor vehicle storage only); and parking lot/valet service, long-term, (excluding outdoor accessory storage up to 25 percent of the gross floor area of the principal use), to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated January 5, 2011, and based on the attached Findings.

OR,

3. I move an alternate motion.

**ATTACHMENTS**

| <b>Attachment</b><br><i>(Attachments are available electronically on the County website or may be viewed at the Planning Department Front Counter or in Building &amp; Development).</i> | <b>Page Number</b> |
|--|--------------------|
| 1. Findings  | A-1                |
| 2. Conditions of Approval (01-05-11)   | A-3                |
| 3. Applicant's Proffer Statement (01-04-11)  | A-5                |
| 4. Concept Development Plan & Special Exception Plat (dated 05-15-08; revised through 12-15-10)  | Attached           |

**FINDINGS FOR APPROVAL**  
**ZMAP 2008-0001, Schmitz Industrial Park**

1. Light industrial uses and associated office development are identified as appropriate land uses within the Suburban Policy Area (Business Community).
2. The rezoning of the property to PD-IP governed under the provisions of the Revised 1993 Zoning Ordinance is consistent with County land use policies.
3. As proffered, the application adequately addresses environmental impacts per County policies regarding forest and surface water resources.
4. The application generally conforms to the Revised 1993 Zoning Ordinance.
5. The application adequately mitigates local road impacts, per the Countywide Transportation Plan.
6. The application adequately addresses compatibility with the surrounding uses through landscaping, building placement, and parking lot placement.

**FINDINGS FOR APPROVAL**  
**SPEX 2008-0001, Schmitz Industrial Park**  
**(for office, administrative, business, or professional uses (1 story); motor vehicle rental (outdoor vehicle storage only); and parking lot/valet service, long-term)**

1. Light industrial uses and associated office development are identified as appropriate land uses within the Suburban Policy Area (Business Community).
2. As conditioned, the application adequately addresses environmental impacts per County policies regarding forest and surface water resources.
3. The application generally conforms to the Revised 1993 Zoning Ordinance.
4. The application adequately mitigates local road impacts, per the Countywide Transportation Plan.
5. The application adequately addresses compatibility with the surrounding uses through landscaping, building placement, and parking lot placement.

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**CONDITIONS OF APPROVAL**

**SPEX 2008-0001, Schmitz Industrial Park, for office, administrative, business, or professional uses (1 story); motor vehicle rental (outdoor vehicle storage only); and parking lot/valet service, long-term  
(January 5, 2011)**

1. Substantial Conformance. Except as amended by these conditions, the approved Special Exception Uses, office, administrative, business, or professional uses (1 story); motor vehicle rental (outdoor vehicle storage only); or a parking lot/valet service, long-term, shall be developed in substantial conformance with the Special Exception Plat, consisting of one (1) sheet numbered as 5 of the plan set entitled "Schmitz Industrial Park" and dated May 15, 2008, as revised through December 15, 2010, and prepared by Patton Harris Rust and Associates (the "SPEX Plat"). Approval of this application for Tax Map #s /80/A/1////40/ (PIN 032-15-3041), /80/A/1////20/ (PIN 044-10-7257), /80/A/1////41A/ (PIN 032-15-0581), /80/A/1////42/ (PIN 044-10-9177) (collectively the "Property") shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any Zoning Ordinance, Codified Ordinance, or applicable requirement. As used in these conditions, "Applicant" includes the owner of the Property subject to this Special Exception approval, its successors, and parties developing, establishing, or operating the approved Special Exception Use.
2. Tree Save Areas. The applicant shall prepare a Tree Conservation Plan to be submitted at the time of site plan approval. The applicant shall protect trees during construction through adherence to Sections 7.302 and 7.303 of the Facilities Standards Manual. The Tree Conservation Plan shall specify measures to manage Tree Save Areas to ensure their continued health, viability, and utility.
3. Landscape Design. Type 3 buffers will be installed for all external property buffers for all uses. Section 5-1400 of the Revised 1993 Zoning Ordinance will govern parking design, to include requirements for landscape islands. The provisions of Section 5-1413(B)(1) through 5-1413(B)(5) shall apply to all Interior Parking Lot Landscaping. Plants shall be indigenous to the Piedmont area of Northern Virginia. Half of the Type 3 buffer tree and shrub requirements shall be met through the use of evergreens along Cedar Green Road.
4. Lighting. Site lighting shall conform to Section 5-1500 of the Revised 1993 Loudoun County Zoning Ordinance and Sections 7.110 and 7.120 of the Facilities Standards Manual. The following standards shall also apply:
  - a. Light Fixtures. Fixtures shall be full cutoff and fully shielded and shall direct light downward and into the interior of the property and away from surrounding public roads and properties. Said lighting shall not exceed a maximum average illumination of two (2) foot-candles at ground level during non-business hours unless otherwise required by law, ordinance, or regulation.
  - b. Height of Light Fixtures. The mounting height of any light fixture shall not exceed 20 feet. Height shall be measured from the ground to the bottom of the light fixture.
5. Stormwater Treatment. The Applicant shall (a) incorporate best management practice (BMP) treatment for all storm runoff leaving impervious surfaces and (b) design all BMPs to treat the first inch of storm runoff, as a minimum.

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# **SCHMITZ INDUSTRIAL PARK**

## **ZMAP 2008-0001**

### **PROFFER STATEMENT**

**January 4, 2011**

Pursuant to Section 15.2-2303, Code of Virginia (1950), as amended, and Section 6-1209 of the *Revised 1993 Loudoun County Zoning Ordinance*, as amended (the "Zoning Ordinance"), Albert G. Schmitz, Jr., the owner of the property described as Loudoun County PIN #'s 044-10-7257 (Tax Map # /80/A/1////20/); 044-10-9177 (Tax Map # /80/A/1////42/); 032-15-0581 Tax Map # /80/A/1////41A/); and 032-15-3041 (Tax Map /80/A/1////40/) (these parcels collectively referred to as the "Property") on behalf of himself and his successors in interest ("Owner"), hereby voluntarily proffers that the development of the Property subject to ZMAP 2008-0001 shall be in substantial conformity with the proffers as set forth below. This Proffer Statement supersedes the proffers approved with ZMAP 1988-0023.

All proffers made herein are contingent upon approval of ZMAP 2008-0001 and the rezoning of the entirety of the Property to the PDIP Planned Development-Industrial Park zoning classification under the Zoning Ordinance and the Concept Development Plan, as defined below and included by reference in Exhibit A.

#### **I. CONCEPT DEVELOPMENT PLAN**

The development of the Property shall be in substantial conformity with the Concept Development Plan, identified as Sheets 2 and 3 of 5 of the Schmitz Industrial Park Zoning Map Amendment dated May 18, 2008 and revised through December 15, 2010, prepared by Patton Harris Rust & Associates, PC (the "CDP"). Minor adjustments, consistent with Section 6-1209(F), to the locations of the proposed uses, facilities and improvements shown on the CDP shall be permitted to address grading, drainage, environmental, cultural and natural features, development ordinance requirements, and other final engineering considerations, and to accommodate the recommendations of archaeological studies.

#### **II. DEVELOPMENT SCOPE**

The Property is approximately 7.9 acres in total. The Property will be developed using public water and sewer with such facilities provided to the Property as shown on the CDP, at no cost to Loudoun County or to Loudoun Water.

As identified on Sheet 3 of 5, the Schmitz Industrial Park will provide a 20' Wide, Type 3 buffer on northern portions of the Property adjacent to Cedar Green Road and current residential uses, provided neighboring lots continue to be zoned R-4 and contain residential uses.

#### **III. RECREATIONAL AMENITIES; SIDEWALKS AND OPEN SPACE**

Pedestrian access for the Property will be developed subsequent to site plan approval for each land bay. As illustrated in the CDP (Sheet 3 of 5), a 6' sidewalk will be constructed for pedestrians along applicable portions of Shaw Road and Cedar Green Road at the time the respective road improvements contemplated in Section IV hereof are completed.

The Owner shall provide outdoor eating space, picnic tables and bicycle racks for use by employees of the businesses on each land bay. A minimum of one picnic table and one bicycle rack holding at least four bicycles, will be provided per land bay. Should the Property be developed with only one land bay, a minimum of three picnic tables and three bicycle racks will be provided for the entire Property.

The Owner shall make a one-time contribution to the Loudoun County Department of Parks, Recreation and Community Services in the amount of \$ 600 per acre at the time of site plan approval for use in the Sterling Planning Subarea in lieu of providing additional open space.

#### **IV. TRANSPORTATION**

##### **A. Road Dedication and Improvement**

1. Glenn Drive – The Owner shall dedicate, where appropriate and construct the western half of Glenn Drive extended from its current terminus in a cul-de-sac south of the Property, along the Property's frontage, onto neighboring property, as required, and ending at an intersection with Cedar Green Road, as depicted on the CDP, at such time as a site plan or record plat (whichever is first to occur) for the land bays on the Property east of PIN #044-10-7257 is approved by Loudoun County. If off-site right-of-way and/or easements are needed for any of the improvements specified in these proffers and are not available, the Owner shall make a good faith effort to obtain same at no cost to the Owner other than for engineering and fees to other consultants. Where right-of-way and/or easements can not be obtained either voluntarily through donation or proffer to the County, then the Owner shall request that the County acquire such right-of-way and/or easements by appropriate eminent domain proceedings by the County or through activation of Section 1-206(C) of the Zoning Ordinance. The initiation and prosecution of eminent domain proceedings is solely within the discretion of and cost to the County. In the event the County elects not to initiate or diligently prosecute such eminent domain proceedings, the Owner shall have no further responsibility to acquire such right-of-way and/or easements. Concurrently with the final construction of the western half of Glenn Drive, the Owner shall construct a trail as depicted on the CDP (Sheet 3 of 5) along the portion of Glenn Drive Owner has herein proffered to construct.

2. Shaw Road – The Owner shall dedicate and construct the eastern half of Shaw Road adjacent to PIN # 044-10-7257 as shown on the CDP, at such time as a site plan or record plat (whichever is first to occur) for this land bay is approved by Loudoun County. Proffered construction shall consist of one additional lane to the east of the center line and improvement to VDOT standards of the existing one lane on the current eastern half of Shaw Road. Concurrently with construction/improvement of these lanes, the Owner shall construct a 6' sidewalk adjacent to Shaw Road on PIN # 044-10-7257.

3. Cedar Green Road – The Owner shall dedicate and construct or bond for construction the southern portion of Cedar Green Road adjacent to the Property as depicted on the CDP at such time as a record plat of land bays east of PIN # 044-10-7257 is approved by Loudoun County. Concurrently with construction of the southern portion of Cedar Green Road, the Owner shall construct a 6' sidewalk adjacent to Cedar Green Road on PIN #s 044-10-9177 and 032-15-0581.

## **B. Advance Right-of-Way Dedication**

Notwithstanding the above, dedication of the rights-of-way and easements referenced in IV.A shall occur at the request of Loudoun County in advance of development of the Property if others have prepared construction plans and profiles consistent with the CDP and require dedication to commence construction, and provided the Owner shall not be obligated to incur costs or post bonds with Loudoun County in connection with such advance dedication.

## **C. Contributions in Lieu of Construction**

In the event that the improvements proffered in IV.A above are constructed by others, the Owner shall contribute to Loudoun County an amount equivalent to the verified actual cost of said improvements. Such contribution(s) shall be paid to Loudoun County at the same time as the Owner's obligation to construct such improvement(s) under the terms of these proffers.

## **D. Emergency Vehicle Access.**

The Owner of the Property will provide emergency vehicle access satisfactory to the Department of Fire and Rescue, at all times during the construction of the project.

## **V. CONTRIBUTIONS TO FIRE AND RESCUE**

The Owner will provide a one-time contribution to Loudoun County of \$.10 per square foot for each commercial/non-residential structure for use by fire and rescue companies primarily serving the Property at the issuance of each applicable zoning permit for a structure on the Property.

## **VI. COST ESCALATIONS FOR CASH CONTRIBUTIONS**

Consumer Price Adjustment – Whenever the Proffers refer to a monetary contribution, unless otherwise noted in the Proffer, the amount or value of such contribution shall escalate annually, beginning January 1, 2011 and continuing each January 1 thereafter, by an amount equal to the percentage increase in the Consumer Price Index – All Urban Consumers ("CPI") for the prior year.

If the US Department of Labor shall ever cease publishing the CPI, the CPI shall be that index published by the Department of Labor or other US Government Agency intended to reflect increases in cost of living for residents of the Washington, DC Standard Metropolitan Statistical Area.

## **VII. ENVIRONMENT**

### **Tree Save Areas and Tree Protection**

The Owner shall provide a 15' Tree Save Easement to Loudoun County at the time of site plan approval along the southern portion of PIN #s 044-10-7257 and 044-10-9177 as shown on sheets 2 and 3 of 5 (the CDP). A 15' Tree Save Easement shall also cover the western and

southern portions of PIN # 032-15-3041 adjacent to neighboring properties as shown on the CDP.

### VIII. DESIGN GUIDELINES

Schmitz Industrial Park is located in a transitional area within Sterling, Virginia. Owner provides the following commitments to assist with transformation of the Property to meet the intent of the Revised General Plan:

1. Structures on the northern portion of the Property adjacent to Cedar Green Road shall be oriented toward Glenn Drive;
2. Parking shall be in the rear of any structure with the exception of limited customer parking permitted, but not required, in front of any structure built along Shaw Road; and
3. There will be no motor vehicle access to the Property from Cedar Green Road.

The undersigned hereby warrants that all owners with a legal interest in the Property have signed this Proffer Statement, that he has full authority to bind the Property to these conditions, and that the Proffers are entered into voluntarily.

Property Owner:

\_\_\_\_\_  
Albert G. Schmitz, Jr.

Commonwealth of Virginia

County of Fairfax, to-wit:

The foregoing Proffer Statement was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 2011 by Albert G. Schmitz, Jr.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

Registration No. \_\_\_\_\_